Dated: September 29, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 95–24923 Filed 10–5–95; 8:45 am]

BILLING CODE 3510–25–P

[A–834–802, A–835–802, A–844–802]

Notice of Price Determination; Uranium From Kazakhstan, Kyrgyzstan, and Uzbekistan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Price Dermination; Uranium from Kazakhstan, Kyrgyzstan, and Uzbekistan.

SUMMARY: Pursuant to section IV.C.1. of the antidumping suspension agreements on uranium from Kazakhstan, Kyrgyzstan, and Uzbekistan, the Department calculated a price for uranium of $12.25/lb. On the basis of this price, the export quota for uranium pursuant to Section IV.A. of the Uzbek and Kyrgyz agreements is zero. The export quota for uranium pursuant to Section IV.A. of the Kazakhstani agreement, as amended on March 27, 1995, is 500,000 lbs. for the period October 1, 1995, through March 31, 1996. Exports pursuant to other provisions of the agreements are not affected by this price.

EFFECTIVE DATE: October 2, 1995.

FOR FURTHER INFORMATION CONTACT: James Doyle or Daniel Miller, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–0172 or (202) 482–1102, respectively.

Price Calculation

Background

Section IV.C.1. of each agreement specifies that the Department of Commerce (DOC) will issue its observed market price on October 1, 1995, and use it to determine the quota applicable to exports from the various republics during the period October 1, 1995 to March 31, 1996. Consistent with the Department's letters of interpretation dated February 22, 1993, we provided interested parties our preliminary price determination on September 15, 1995.

Calculation Summary

Section IV.C.1. of each agreement specifies how the components of the market price are reached. In order to determine the spot market price, the Department utilized the monthly average of the Uranium Price Information System Spot Price Indicator (UPIS SPI) and the weekly average of the Uranium Exchange Spot Price (Ux Spot). In order to determine the long-term market price, the Department utilized the weighted average long-term price as determined by the Department on the basis of information provided by market participants and a simple average of the UPIS Base Price for the months in which there were new contracts reported.

Our letters to market participants provided a contract summary sheet and directions requesting the submitter to report his/her best estimate of the future price of merchandise to be delivered in accordance with the contract delivery schedules (in U.S. dollars per pound U_3O_8 equivalent). Using the information reported in the proprietary summary sheets, the Department calculated the present value of the prices reported for any future deliveries assuming an annual inflation rate of 2.65 percent, which was derived from a rolling average of the annual GNP Implicit Price Deflator index from the past four years. The Department used the base quantities reported on the summary sheet for the purpose of weight-averaging the prices of the long-term contracts submitted by market participants. We then calculated a simple average of the UPIS Base Price and the long-term price determined by the Department.

Weighting

The Department used the average spot and long-term volumes of U.S. utility and domestic supplier purchases, as reported by the Energy Information Administration (EIA), to weight the spot and long-term components of the observed price. In this instance, we have used purchase data from the period 1989–1992, as in the previous determination. During this period, the spot market accounted for 31.39 percent of total purchases, and the long-term market for 68.61 percent. We were not able to include data from the 1993 and 1994 EIA Uranium Industry Annuals because it has been withheld due to its proprietary nature.

Calculation Announcement

The Department determined, using the methodology and information described above, that the observed market price is $12.25. This reflects an average spot market price of $11.60, weighted at 31.39 percent, and an average long-term contract price of $12.54, weighted at 68.61 percent. Since this price is below the $13.00/lb. minimum expressed in Appendix A of the Uzbek and Kyrgyz agreements, there will be no quota under Section IV.A. of the agreements available to these republics for the period October 1, 1995 to March 31, 1996. However, since this price is above the $12.00/lb. minimum expressed in Appendix A of the amended Kazakhstani agreement, Kazakhstan receives a quota of 500,000 lbs. for the period October 1, 1995 to March 31, 1996. We have determined that the observed market price for uranium is $12.25/lb. The Department invites parties to provide pricing information for use in the next price determination. Any such information should be provided for the record and should be submitted to the Department by March 5, 1996.

Dated: October 2, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–24925 Filed 10–5–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–815]

Gray Portland Cement and Clinker From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from the Ad Hoc Committee of Southern California Producers of Gray Portland Cement (the petitioner) and Onoda Cement Company, Ltd. (the respondent), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on gray portland cement and clinker from Japan. The review covers one manufacturer/exporter, Onoda Cement Co., Ltd. (Onoda), and the period May 1, 1993, through April 30, 1994 (POR). The review indicates the existence of dumping margins during this period.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service (Customs) to assess antidumping duties equal to the difference between the United States price (USP) and FMV. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 6, 1995.

FOR FURTHER INFORMATION CONTACT:
Amy S. Wei or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1994, the Department published a notice of ''Opportunity to Request an Administrative Review'' (59 FR 23051) of the antidumping duty order on gray portland cement and clinker from Japan (56 FR 21658, May 10, 1991). On May 12, 1994, and May 31, 1994, requests were submitted by the respondent and petitioner, respectively, for the Department to conduct an administrative review of the antidumping duty order on gray portland cement and clinker from Japan for Onoda. We initiated the review, covering the period May 1, 1993, through April 30, 1994, on June 15, 1994 (59 FR 30770). The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

The products covered by this review are gray portland cement and clinker from Japan. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Microfine cement was specifically excluded from the antidumping duty order. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2523.29, and clinker is currently classifiable under HTS item number 2523.10. Gray portland cement has also been entered under item number 2523.90 as ''other hydraulic cements''.

The HTS item numbers are provided for convenience and Customs purposes. The written product description remains dispositive as to the scope of the product coverage.

This review covers Onoda and the period May 1, 1993 through April 30, 1994.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Product Comparisons

Product comparisons were made on the basis of standards established by the American Society for Testing and Materials (ASTM standards). All of the cement sold in the United States fell within one ASTM standard, Type I. Onoda provided documents indicating the chemical composition, technical specifications, and uses for each cement type sold in the home market during the period of review.

Based on information submitted on the record and our findings at verification, we have determined that Type N cement, which is sold in the home market, is the closest comparable model to Type I cement, given the similar general chemical compositions and uses.

Onoda made no sales of clinker in the United States during the period of review.

Use of Best Information Available

At verification, we were unable to substantiate Onoda's short-term interest rates. As a result, in accordance with section 776(c) of the Act, we are using best information available (BIA) for Onoda's home market credit expense. As BIA, we used the lowest short-term interest rate reported by Onoda in its questionnaire response for the POR. We multiplied this rate by the number of days between the dates of payment and shipment and divided by 365 days for each home market sale. This amount was then multiplied by the gross unit price reported for each sale in order to calculate credit expense.

United States Price

In calculating USP, the Department used purchase price sales, as defined in section 772(b) of the Act. We made adjustments, where appropriate, for loading costs, ocean freight, marine insurance, customs user fees and harbor fees, interest revenue, credit, and document handling fees. The Department also made an adjustment to the amount of taxes included in USP in accordance with the Department's tax adjustment methodology (*see Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Silicomanganese from Venezuela,* 59 FR 31204, June 17, 1994).

Foreign Market Value

In calculating FMV, we used home market price, as defined in section 773(a) of the Act. Home market price was based on FOB, CIF terminal, pick-up, or delivered prices to related and unrelated customers in the home market. We did not include those home market sales to those related parties which were not made at arm's length prices. In order to determine whether these sales were made at arm's-length prices, we calculated a weighted-average price of all of Onoda's sales to unrelated customers. We compared this price to a weighted-average price of the home market sales for each related party. Where the weighted-average price charged to a related party was less than the weighted-average price charged to all of Onoda's unrelated customers, we determined that those related party sales were not made at arm's-length prices, and removed those sales from our FMV calculation.

Due to the existence of sales below the cost of production (COP) in a previous administrative review, the Department had reasonable grounds to believe or suspect that sales below the COP may have occurred during this review, as explained in section 773(b)(2)(A)(ii) of the Act. Therefore, in accordance with section 773(b)(1) of the Act, the Department initiated a COP investigation for this review. We calculated COP based on Onoda's reported cost of manufacturing, selling expenses, general and administrative expenses, and net interest expense, as defined in 19 CFR 353.51(c). We compared COP to home market prices, net of movement charges, price adjustments, and discounts.

The results of our cost test indicated that more than 10 percent but less than 90 percent of home market sales were below the COP, indicating that the below-cost sales were made in substantial quantities. In addition, we determined that the below-cost sales were made over an extended period of time, since these sales occurred in more than two months of the review period. Furthermore, no evidence was presented to indicate that below-cost COP prices would permit the recovery of all costs within a reasonable period of time in the normal course of trade. Thus, we dropped from our calculation of FMV all home market sales that were made below the COP.

Using the remaining sales for calculating the FMV used in the dumping calculation, we made adjustments, where appropriate, for credit, interest revenue, packing, post-sale freight costs, and all rebates and discounts. The Department also made an adjustment to the amount of consumption taxes included in FMV in accordance with the Department's aforementioned tax adjustment methodology. In accordance with 19 CFR 353.56(b)(1), we offset commissions paid in the home market with indirect selling expenses from the U.S. market since no sales commissions were paid in the U.S. market. In addition, Onoda was unable to provide dates of payment for some home market sales, since Onoda claimed that it had not received payment for these sales by the time the home market sales tape was created. As a result, we have calculated the weighted-average number of days between the dates of shipment and the dates of payment for those home market sales where the dates of payment were reported. We added this weighted-average number of days to the shipment dates of those home market sales with missing dates of payment. We then used these dates as the dates of payment for these sales.

The Department did not deduct pre-sale transportation costs, in accordance with the United States Court of Appeals for the Federal Circuit's ruling in *The Ad Hoc Committee of AZ–NM–TX–FL Producers of Gray Portland Cement* v. *United States,* 13 F.3d 398 (Fed. Cir. 1994). This decision allows us to deduct pre-sale transportation costs from FMV only if these expenses are directly related to the home market sales, in accordance with 19 CFR 353.56(a). In order to determine whether pre-sale transportation costs are direct, the Department examines pre-sale warehousing expenses, since the pre-sale transportation costs incurred in positioning the merchandise at the warehouse are, for analytical purposes, inextricably linked to the pre-sale warehousing expenses. Since Onoda reported that it incurred no after-sale warehousing expenses and did not claim any warehousing expenses as direct circumstance-of-sale adjustments in its questionnaire responses, we determined that Onoda's warehousing expenses were pre-sale, indirect selling expenses. Then, in the absence of contrary evidence, pre-sale transportation costs were also treated as indirect expenses (see *Gray Portland Cement and Clinker From Japan; Final Results of Antidumping Duty Administrative Review,* 60 FR 43761, 43766, Comment 9, August 23, 1995).

Where appropriate, we made further adjustments to FMV to account for differences in physical characteristics of the merchandise, in accordance with 19 CFR 353.57 of the Department's regulations.

Preliminary Results of Review

As a result of our comparison of USP to FMV, the Department preliminarily determines that a margin of 28.32 percent exists for Onoda for the period May 1, 1993, through April 30, 1994.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice and any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter and will be limited to those issues raised in the case briefs and/or written comment. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of any written comments or case briefs.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Onoda will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous review or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, earlier reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review, earlier reviews, or the original investigation, whichever is the most recent; and (4) the ''all others'' rate will be 70.23 percent, as specified in the final results of redetermination pursuant to court remand (60 FR 24832, May 10, 1995).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a preliminary reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: September 27, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 95–24926 Filed 10–5–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–412–817]

Initiation of Antidumping Duty Investigation: Foam Extruded PVC and Polystyrene Framing Stock From the United Kingdom

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 6, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen Grebasch at (202) 482–3773, Dorothy Tomaszewski at (202) 482–0631 or Erik Warga at (202) 482–0922, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

INITIATION OF INVESTIGATIONS:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).